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A
VINDICATION

OF THE

Peer's Right to Advise the Crown.

TO WHICH ARE PREFIXED,

THE

DEBATES

WHICH OCCURRED ON THAT SUBJECT,

IN BOTH

Houses of Parliament,

In December 1783.

Fari quæ sentias.

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WILLIAM

There is a right to the Crown

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THE

P R E F A C E.

THERE is nothing in this world entirely new. The present times, strange as they are, are only a repetition of the times that are *past*.

A similar question to that of the present moment was strenuously agitated in 1783 ; though the event seems at present to be forgotten. It was then debated whether a Peer had the right to offer private advise to his Majesty : —It is now said that a Peer has no right to present a narrative to the King.

Let us here, laying aside the allusion to a Peer of the realm, consider whether every British subject has not a right to submit a private paper to the Sovereign, provided it be true and proper : for it may be laid down, as a fundamental ground, that every one of this happy land, may rightfully do what he is not prohibited, by law, from doing :—And, if every individual enjoys this

important right, it follows, as a consequence, that every Peer, and every General, and every Admiral, who command the fleets and armies of the State, may present to the King a narrative of their several proceedings on their return. It may, therefore, be justly doubted whether a resolution, that goes to deny the privilege of a Peer, does not deprive every British subject of a legal and interesting right.

This doctrine is not entirely new in either House of Parliament, for, in 1783, there was a most important discussion in both houses, on this very subject, when there were many of Fox's martyrs to the famous India Bill.

This discussion was followed by the interesting tract, entitled, "A Vindication of the Peer's Right to advise the Crown," which is now reprinted, and which the editor presumes to offer to the Public, as an interesting document at the present moment.

It is unnecessary to add that the noble lord, who was the subject of the following debate, was universally supposed, at that time, to be the real author of the "Vindication," in which he was himself so materially interested.

*London : Pall-Mall,
March 6, 1810.*

DEBATES.

HOUSE OF LORDS.

December 15, 1783.

THE DUKE OF PORTLAND said, he would mention a matter to which he begged their Lordships' most serious attention, since it materially concerned the constitution of the country. A rumour had prevailed for the last three days, that had given him very great alarm indeed ; so much alarm, that he had determined to state it to their Lordships on the very first day that they met, after it began to be in circulation ; and he should, he said, have done it much earlier in the day, but that he was loth to break through the regularity of their proceedings, or draw off the attention of the House from hearing counsel against a bill, which certainly was of great importance. Since that bill had been brought into Parliament, the public had been inflamed against it in the most industrious, and, in some degree, most successful manner. No arts, however unfair, however unwarrantable, had been left untried, to run it down, and excite a general alarm, in consequence of a gross misrepresentation of its view and its object. Among other arts, rumours of different kinds had been circulated with the most sedulous industry ; and a late rumour of a very extraordinary nature indeed. In that rumour, the name of the most sacred character in the kingdom had been aspersed, and the name of one of their Lordships, he hoped, abused ; but certainly such was the complexion of the rumour, that he should be wanting in regard to his own character, wanting in that love and zeal for the constitution, which, he trusted, had ever marked and distinguished his political life ; wanting in the duty he owed to the public as a

Minister, if he did not take an opportunity, if it turned out to be true, of proposing a measure upon it to their Lordships, that would prove they felt the same jealousy, the same detestation, and the same desire to mark and stigmatize every attempt to violate the Constitution as he did.

THE DUKE OF RICHMOND rose, and declared, that from the hint the noble Duke had thrown out, it was impossible to say to what he alluded. In a matter of so much seriousness, he ought to speak out, and to make a specific charge, that those it might affect, should be able to meet it fairly, and bring it to a plain and direct issue. The noble Duke might allude to one thing, or he might allude to something else extremely different, which was at that time in his recollection. A newspaper, which he had in his pocket, his Grace said, contained as indecent and as scandalous a paragraph, as ever he had met with; perhaps the noble Duke alluded to the facts there stated. He would read it to the House. His Grace then read the following article from an Evening Paper of Saturday :

“ A most injurious and absurd rumour prevailed yesterday, and was circulated with great industry through the various parts of the metropolis, that his Majesty had given a direct intimation to his Ministers that he was hostile to the East-India bill, and that they, in consequence, had resigned their respective employments. We have the best authority for assuring our readers, that no part of this report is true. To give a greater air of credibility to the falsehood, it was represented that this event had taken place in consequence of a conference that Earl Temple had held with his Majesty on Thursday last; the result of which was said to have been a positive assurance, on the part of the King, that the bill in question was in the highest degree disagreeable to him. This concomitant part of the story, however, is an evident and indisputable libel upon the characters of both these great personages concerned in it; for we can assure our readers, (also from the best authority) that his Majesty has given his gracious concurrence and approbation of the conduct of his Ministers with respect to the India Bill a thousand times in the closet; nay, indeed, as often as it has been mentioned

there. Now to suppose or impute to any man, much less to this sacred character, so despicable a degree of confirmed duplicity as that of his having approved and patronized a measure in all the stages of its progress, from its first adoption till its third reading in the House of Commons, and yet that he was in fact averse to it, is too gross for belief, and is in this instance an act of the highest disloyalty. That Lord Temple should have circulated such a report, knowing it, as he must, to have been founded in direct falshood, is not extremely probable; and, therefore, the whole must doubtless have been the impudent fabrication of some hired runner, to produce a temporary alarm in the metropolis, and to try to effect by tumult what they could not carry by argument."

The above, his Grace said, was as extraordinary a series of assertions declared to come from the best authority, as ever occurred in a newspaper. Were these the rumours to which the noble Duke alluded? Were these the rumours which he meant to submit to the consideration of their Lordships? Were these the rumours which he intended to investigate? He would acquaint his Grace, if he did not already know it, who was the author of these rumours; it was some hireling fellow, equally undeserving of his Grace's patronage and their Lordships' notice.

EARL TEMPLE rose as soon as the Duke sat down, and said, Conscious as he was, that every word he must utter, would be entirely unparliamentary; yet, after what had been suggested by the noble Duke who spoke first, and after his name had been introduced by the noble Duke who spoke last, though he must think not in the most parliamentary way, he should persist in desiring to be heard. The noble Duke at the head of the Treasury talked of rumours; let the noble Duke make a specific charge; whenever he did so, he would not shrink from it, but would meet it directly. That his Majesty had recently honoured him with a conference, was a matter of notoriety. It was not what he wished to deny, nor what he had in his power to conceal. He said, that it was the privilege of peers, as the hereditary counsellors of the Crown, either individually or collectively, to advise the Crown. He had given his advice; what that advice had

been he would not then say : it was lodged in the breast of his Majesty, nor would he declare the purport of it without the Royal consent, or till he saw a proper occasion. But though he would not declare affirmatively what his advice to his Sovereign was, he would tell their Lordships negatively what it was not. It was unfriendly to the principle and object of the bill. If these were the rumours to which the noble Duke alluded, he gloried in them ; it was the cause of them, and he would ever be ready to meet the noble Duke on this ground, confident that he had acted a dutiful part towards his Sovereign, and one worthy the approbation of their Lordships. He was aware this sort of language was disorderly ; he begged the house, however, to recollect, that he had not made it necessary ; if Lord Temple's name had been introduced, it was not the fault of Lord Temple. When the noble Duke mentioned rumours, and did not specify to what he alluded, he had been silent ; and he should have continued in silence, and have treated every thing of that sort with the same contempt that he held newspaper paragraphs in, had not the noble Duke who spoke last, made it impossible for him not to rise, and defy the noble Duke at the head of the Treasury, to make any charge that he would shrink from. He begged to know therefore what the noble Duke had alluded to ?

THE DUKE OF RICHMOND rose again, and said, Perhaps he had been disorderly in reading the paragraph from the newspaper, but the noble Duke who talked of rumours, had done it in a manner so general and indefinite, that he had thought it highly necessary to have the matter explained and understood. If the noble Duke meant to take up all unconstitutional interference with the Crown, he would join him, and go as far with him upon that theme as he would go himself ; but then the noble Duke must go back to his old ground, and leave his present connections : he must once more act as a wig, and proceed upon whig principles. He hoped, however, when the noble Duke did take up that matter, he would take it up fairly, and not partially. That he would look at home, and draw forth all unconstitutional interference with the Crown ; that of Ministers as well as

that of other Lords. He knew, the Duke said, that it was the duty of the servants of the Crown to be about the King's person, and to consult and advise with his Majesty upon the receipt of foreign advices, upon the management of his finances, upon the conduct of the army or navy, upon military and civil promotions, and a variety of other executive subjects, in which his Majesty was necessarily to be consulted; but he would contend, it was as unconstitutional for a Minister to advise the Crown, and endeavour to influence his Majesty in regard to any bill depending in Parliament, as it was for any other person. The present Administration, he asserted, had, from their first coming in, proceeded to act in defiance to whig principles, and upon the old system pursued by those whom they formerly opposed. They had manifestly taken unconstitutional ground, and governed by a corrupt influence. When they first came in, they had asked, the Duke said, if he would join them. Though he liked many in Administration, he foresaw what would follow, and his expectation had not been disappointed. The bill then before the House was a proof of the sort of system which Ministers had laid down. As he could not join them, he had quitted his situation, and left the Ordnance. What was the consequence? Three gentlemen, with no political views, nor in any way connected with influence, whom he had brought into office, were turned out, and three Members of Parliament introduced. Another instance he would adduce, and that was, the giving Sir William Gordon, a gentleman who had served as an Ambassador abroad, a pension of 1000*l.* a year. What could this be for, but to give up his seat in Parliament, that they might bring in a new Member for Portsmouth? a very able Member indeed, Mr. Erskine. A third instance was, the appointment of a noble Lord, lately very high in the naval administration of affairs in this country, to the office of Ranger of St. James's Park. Was this office conferred on him for his eminent services in the conduct of maritime affairs in this country? Would the noble Duke have the boldness to assert it? Surely not. For what purpose then were this office and this emolument bestowed? For no other than that he might contribute his influence

to the support of a Ministry grasping at power through every means. These were reports founded in rumour; and if the noble Duke were so unfriendly to rumours of so unconstitutional a nature, why did he not investigate their origin? Why did he not impeach their cause? Why did he not submit them to their Lordships, as in the last degree dangerous and alarming?

The Earl of DERBY begged the noble Duke to look at home himself, before he ventured to impute blame to others. When the noble Duke was at the head of the Ordnance, he brought his friends into office, as other men in high situations generally did; and it was notorious, that two, if not more, of those friends, were in Parliament. His Lordship took notice of the rumours abroad for the last three days, reprobated such unconstitutional means of endeavouring to subvert a bill, which could not be overthrown by fair argument.

Earl TEMPLE still declared himself dissatisfied with what the noble Duke had stated in answer to his former interrogations—he seemed to decline being explicit. He begged the conduct of the noble Duke might be marked—he had called for impeachment, but it had been refused him. The part he had acted was agreeable to his best sentiments, he enjoyed the recompence of his own mind, and was proud in the recollection of having acted the part of an honest man.

Earl FITZWILLIAM said, he was exceedingly happy that the noble Duke had so seasonably alluded to the alarming rumour that had been circulated with so much avidity, and by which the sacred name of a High Person had been so shamelessly aspersed; since it had given an opportunity to the noble Earl, who undoubtedly had been also aspersed by the rumour, to declare, in the most public manner, in his place, in that assembly, that the rumour was in every tittle unfounded and untrue. Every wise man indeed believed, as every good man wished to believe, that so atrocious and unconstitutional an aspersion on the sacred name of Majesty, and on the freedom and independence of the two Houses of Parliament, was the idle breath of calumny and rumour, the miserable artifice of the day, and not the expedient of any

high and noble character, nor of any high and potent party. A noble Duke who had spoken on this business, had said, that Ministers were as blameable for the advice which they might give to his Majesty during the passing of a bill, as any other Peer of Parliament. To this he must say, that when it was considered that every act of the Sovereign was to be ascribed to his confidential servants; that the King can do no wrong; and that his Ministers were in all instances responsible to their country for the measures of the Crown, the doctrine of the noble Duke would not be admitted; for no person was to go into the King's closet, and give his advice, who was not responsible to the country for the consequences of that advice. But in the present instance, he was highly pleased that the matter had been mentioned, because the noble Earl had declared it to be in every respect unfounded and untrue.

Earl TEMPLE begged that the noble Earl would not give to his words an interpretation which they did not bear. He had said, that the rumour, whatever it was, affected not him, while flung out in the loose and vague manner in which it had been stated. What the rumours in the newspapers might be he knew not; he paid no attention to any such accusation. If the noble Duke had spoken out, and said clearly what he alluded to, what he meant, and what was the specific proposition which was to be submitted to that House, he should have known what to say.

He begged it to be understood clearly and substantially, that he had explained no tittle of the conference which he had the honour to hold with his Majesty in the closet. He had neither said what the advice was, which he had presumed to give his Majesty, nor what was the result of his conference; but he should neither be ashamed to avow what was the advice which he had given, nor would he hesitate to publish what he was empowered to communicate, whenever he should be properly called upon to say so: in the mean time, no specific charge had been brought, nor had any declaration been made of any thing avowedly alluding to him.

Earl FITZWILLIAM. The noble Earl says, he has positively

evaded giving any precise answer to the notice which has been taken of the most alarming rumours. With regard to the assertion of a noble Duke, that the Minister who should advise the Crown to support a bill depending in Parliament, and endeavour to influence the Crown in its favour, would act unconstitutionally, I deny the doctrine. If I know any thing of the British constitution, the reverse is the fact. The Crown can do no wrong. The Minister alone is responsible for every measure of Government while he is in office. He has a right, therefore, constitutionally to exert his influence with the Crown, and indeed it would be impossible for any government to go on without such exertion. The case is widely different, as rumour stated the facts, to which the noble Duke had alluded. Thinking, as I do, that a rumour of so enormous a tendency ought to be most minutely investigated, I will beg leave to call the attention of the House to it directly. I do not mean, my Lords, the paragraph which has been read: I do not mean the rumour in the newspapers merely, but the rumour which they must have all heard, and which is, that he, the noble Earl in my eye, had declared, that he was empowered by a Great Person, whose sacred name should never be heard as interfering in the progress of a bill, to say, that that person was hostile to the bill.-----

Earl TEMPLE desired the words to be taken down.

The Earl of CARLISLE said, It was usual, on such occasions of delicacy, where words were ordered to be taken down, to fix their precise meaning, in order to be discussed, that strangers be ordered to withdraw; and he therefore moved that the bar be cleared.

Here strangers withdrew; and it is not in our power to state accurately what occurred after this. As we learn from sundry noble members with whom we conversed afterwards, the personal question was soon at an end, by mutual explanations of the rumour, without coming to any precise declaration on the part of Earl Temple of what occurred in the conference with the King. Earl Fitzwilliam stated the facts as mere matter of rumour, and Earl Temple begged pardon of the House for giving them so much trouble.

HOUSE OF COMMONS,

December 17, 1783.

THE moment the Speaker took the chair, Mr. BAKER rose, and observed, That as he had matters of very great importance to submit to the consideration of the House, he begged the Speaker would issue his orders for the immediate attendance of members.

This being agreed to, the Serjeant at Arms went to the Speaker's chamber, carrying the mace, and all the adjacent rooms of the House, with the Speaker's orders for their instant attendance in their places on their duty. The House was consequently soon very full.

Mr. BAKER then apologised for the part which he found it his duty to act, and the forward step he was obliged to take in submitting to their attention an object of consideration the most important and interesting that ever was proposed to Parliament. At the same time that he lamented, with the Speaker, his late family affliction, as it must have been personally distressing to his feelings and humanity; he could not help being pleased with the opportunity which it had afforded himself, by the recess it occasioned, of digesting this important and pressing business, in order to bring it forward in that form to which he had reduced it.

He then stated the progress of the India bill in the other House, and to what delays and adjournments it had been subjected. He was not prepared, nor was this the time to present any specific charge against any individual or set of individuals. Whatever the wisdom of Parliament might think proper to do afterwards, the duty of the House, in his opinion, was only to institute such an enquiry as might tend to investigate the facts necessary to substantiate the delinquency to which he alluded.

Every honourable gentleman, he doubted not, would readily anticipate that certain rumours were in his eye, by which many of those who sat in the other House were influenced to vote as, but for the prevalence of such rumours, they certainly would not have voted. These rumours were notorious and universal. They affected the personal reputation of the Sovereign. They had been, in some measure, avowed in the other House. They consisted with every individual's knowledge, and could not be contested.

The argument, therefore, on which he addressed the House, and founded his motion, was, that these rumours were dangerous to the constitution of the State, in as much as they were calculated to bias the deliberations of Parliament, and that impartiality and independence which were at once the support and the glory of the British Legislature. Their immediate object was to render the Sovereign his own Minister, and give a dangerous and unprecedented negative to the prerogative of the Crown. They divested the executive power of all responsibility, and held forth the Royal opinion as the rule by which those, who were possessed of the privilege of deliberating and deciding on all measures that came before them according to their consciences, were directed to vote. They, on these grounds, constituted an evil of the first magnitude, and called for the immediate and decided interference of Parliament. The motion which he proposed to the House was, "That it is now necessary to declare, that to report any opinion, or pretended opinion of his Majesty, upon any bill or other proceeding depending in either House of Parliament, with a view to influence the votes of the members, is a high crime and misdemeanor, derogatory to the honour of the Crown; a breach of the fundamental privileges of Parliament, and subversive of the constitution of this country."

Before he sat down, he would beg leave to refer the House to a case in point, which they would find on their own journals. This was in the year 1640, when the King, in a speech from the throne, blamed some individuals for what they had said in debate, and insisted on adding a clause to a

bill then under discussion. This mode of conduct produced much confusion. The Commons came to several resolutions concerning it, and at last agreed to an address and remonstrance to the Throne, against what they considered as a most violent and daring infringement of their rights and privileges. They likewise intreated the other House to join them in these spirited proceedings.

This, the honourable gentleman candidly allowed, might not strike gentlemen as in every point similar to the case in question. But it went to the establishment of doctrines which applied to the resolution he had stated; and it pointed out, in his opinion, the mode of conducting the business, which the House, from such a strong precedent, would undoubtedly adopt.

LORD MAITLAND said, he had many apologies to make for offering himself to the attention of the House: but it was his duty not to shrink from any appearance or exertion which the interests of the Constitution might demand at his hand. The question now before the House was not that of public or private property, or plunder. It was not the merits nor demerits of an usurper. It was not the management nor mismanagement of the greatest commercial Company in the world. No, none of these matters were, in his opinion, half so important, nor came home to his mind with any thing like the pressure which he felt when he considered that this night might probably determine whether this country was henceforth to be governed by a public and responsible Administration, or by a secret cabal, whom no one knew nor could find, nor could charge with any violation of right, or much less could answer for the grossest mismanagement, which none could nor dared to avow. Under such a circumstance where shall we find, said his Lordship, that responsibility, that redress for grievances which is so amply provided for in the Constitution? Is this country, after exhibiting one of the most glorious political systems that ever adorned and exalted any society on earth, in one rash moment to surrender a privilege which she owes to the wisdom, the exertion, the blood, the fortunes, and the lives of our ancestors? No. By the resolution now proposed, a plan is pointed out,

by which the House may yet assert its own honour, and erect a glorious defence for those privileges, invaded and undetermined by those detestable rumours on which it is founded. Many honourable gentlemen were of abilities more adequate to the importance and interesting nature of the subject, in his Lordship's opinion, than him; and to their discussion, without farther trespassing on the time and patience of the House, he would leave it, with heartily seconding the motion.

Earl NUGENT was never more astonished in his life than with the resolution or motion made by an honourable gentleman, and seconded by a noble Lord. It went, in his Lordship's opinion, to an utter annihilation of all sovereignty in the country. What! were not Peers, by their rank and situation, the hereditary Counsellors of the Crown? Would the House of Commons dare to derogate from that high and discriminating dignity which the Constitution, for the wisest and the best purposes, had appended to their station in society? His Lordship would go farther, and assert not only that every Peer had a right to advise with his Sovereign individually, but that every member in the House of Commons, nay, every subject in the kingdom, under certain modifications, had a title to address his Majesty. The resolution before the House was therefore calculated not only to convey a censure on the other branch of the Legislature, to circumscribe the Peers in the enjoyment of their independence, but to subvert the liberties of Englishmen, who were, individually, allowed by the constitution, to petition the Throne on whatever appeared to them of importance enough to justify such a measure.

But not only does this motion, says he, go thus far, but it goes thus far without any foundation whatever. What are your allegations, and where are your proofs? I vow to God, exclaimed his Lordship, such a motion as this will stimulate the other house to resent the conduct of this. If any individual is intended to be censured by this measure, speak out and name him, bring him before you. What! would you suppress that good old English spirit, which will not be silent in the moment of danger? Is it the intention

of this mode of proceeding to check those exertions, which every individual is called upon to put forth in the crisis of public calamity, when innovations, dreadful and threatening to every birthright we enjoy, are brought forward under the strong hand of authority? Do ye mean to keep the few virtues, which yet would stem the torrent of national ruin, in awe, and at a distance from the only ears that may listen to them with success? I vow to God, Sir, were any relation, dear to me or mine, to be found, on such a crisis as this, capable of advancing such bold truths to the Royal father of his people; were a person, under such a description, to be brought before you, and receive condign punishment, I should think it, in common with all his friends, a triumph, which would be his glory to the latest posterity.

The right honourable W. PITT, who had rose at the same time with Lord Nugent, now made an apology for this oversight, and hoped the noble Lord would attribute his then getting up to no other motive than that common one which actuated them both, a due attachment to the constitutional independence of Parliament, and the unalienable right of Peers either individually or collectively to advise his Majesty, whenever they thought the situation of public affairs made such a step an essential part of their duty.

The very singular and solemn mode of introducing this most extraordinary resolution, the formality of summoning the immediate attendance of the members, and, above all, the personal character of the honourable gentleman who made, and the noble Lord who seconded the motion, were circumstances which strongly impressed his mind with its necessity and importance; otherwise, when the matter was licked into its proper shape, and divested of every superfluous accessory, it appeared to him the most unnecessary, the most frivolous and untimed that ever insulted the attention of the national senate.

He asked whether gentlemen had adverted to its foundation and object? Did it contain any specific charge? No. Was it directed to any decisive issue? No. Was it founded on any positive facts, either proved or stated? No. What then was the House to make of such a proposition? Could

they adopt a measure which came in a shape thus questionable, without maturely weighing the consequences?

Upon what was the mighty grievance complained of supposed to depend? Not on any misdemeanour substantiated to the satisfaction of the House by any sort of evidence whatever, but on the vague surmises or lie of the day. The monster, public report, which was daily and hourly fabricating every species of the grossest absurdities and improbabilities, was thus made to intrude on the national business, and arrest the attention of the House of Commons to follow her through all her shapes and extravagancies. Could any thing be more perfectly ridiculous, or a greater sarcasm on that serious and dispassionate dignity of mind, which ought to attend and discriminate all their parliamentary proceedings?

Surely no such consequence was ever before imparted to mere rumour and hearsay: for was it really the duty of Parliament to take up rumours wherever they were to be found, the House might at least find enough of employment. Happily for Ministers, their rumours were all sanctified by the authority of office. This was the stamp which was to give them currency. But might not those of every size, complexion, and shape, be every where seen, on every occasion, stalking openly, and menacing the freedom and birthright of Englishmen, under every form, and by every means?

Influence had been ascribed to rumours of a certain description, which whether true or false he would not say, for he did not know but there was such an influence on the other side, which, according to rumour, was also used, and therefore equally criminal. Let ministers answer for those scribblers who are employed at their instance, and even dare avow the use of their authority for publishing things absolutely unfounded. Where was the man who dared to avow such rumours as had been in constant circulation ever since the introduction of the India business? Who could estimate their operation on the minds of the people, the state of public credit, and the dignity of Government, in the eyes of foreigners? Why were not resolutions founded on such palpable and obvious mischiefs as these? These all, more or

less, originated in rumours, which however were suffered to pass with impunity, and to expire unnoticed, and unsuppressed. But rumours, big, he would say, with no such consequences, were however to be marked with the indignation of Parliament. He trusted the dignity of the House, the common sense which had always distinguished its proceedings, and the honour which gentlemen owed to their own professions, would not, on this occasion, suffer any thing so frivolous and contemptible to slur the annals of a British Senate.

The honourable gentleman had talked much about secret influence, and asked how Ministers were to act when thus circumstanced? In his opinion, the servants of the Crown were worse than useless, whenever they were without responsibility. For a situation thus dangerous and unconstitutional they were indeed strictly answerable. Their duty, in a situation thus dishonourable and inefficient, was therefore obvious and indispensable. The moment they could not answer for their own measures, let them retire. They were no longer fit to occupy stations which they did not adequately fill.

LORD MAHON and LORD NORTH rose both at once, and Lord Mahon was permitted to speak first; but his Lordship promised not to trespass long on the patience of the House. — He began by attacking Mr. Secretary Fox with an utter desertion of all principle. He reprobated the East-India bill as the worst and most obnoxious that ever challenged the attention of Parliament, or roused the indignation of Englishmen. In a high strain of hypothetical reasoning, his whole speech was a personal attack on the conduct of the party who adhered to Mr. Fox, whom he reprobated as abandoning the public for private interest. He referred particularly and pointedly to the conduct of a noble Duke in the other House, whose words he took down, and which were, that he had authority to say that no man had authority, to make mention of the Royal opinion in the sense in which it had been rumoured. This he averred that noble Duke had no right to assert; and he stated it to be as improper an influence on one side, as

that which had been insinuated on the other. It was at midnight, he said, this happened, and midnight only was a fit season for such a conduct, as it was an evident intention to bias the minds of those who were entitled and bound by their consciences to exercise their discretion on every question which came before them.

LORD NORTH avowed, that at the time to which the noble Lord alluded, he was undoubtedly fast asleep. But his Lordship's earnestness in the business, wherever exercised, had been so great, that, perhaps, the cause of the public had not been a great sufferer if this too had been his situation. He blamed a noble Duke for doing what appeared to him his immediate duty, and the duty of every one who filled so responsible an office. A rumour had been stated, as reflecting very much on the character of the Sovereign, and tending not a little to embarrass Government. How was he to counteract that rumour? Was he to let it pass unnoticed, and possess, undisturbed, all its effect on the minds of those for whose benefit and docility it was calculated? Or had he any other way of defeating its intention than by denying its reality?

His Lordship then applied himself to the several arguments urged by Mr. Pitt, which he went through with infinite energy and wit. He contested the propriety and necessity of the motion, on constitutional principles. It was competent for the House to institute an enquiry into whatever affected the independence or freedom of debate, and to take what resolutions in consequence they might think proper. The responsibility of Ministry was the only security which Englishmen had against the abuse of the executive power. This destroyed, their fears were justly roused, and who could say how strongly these might operate, or where they might end?

But it had been said by the honourable gentleman, that the conduct of ministers under such a predicament even as this was obvious; whenever they found themselves destined to act under undue influence, they ought to leave their situations; and who, said he, would act so mean, so base, so despicable a part, as, after such an intimation as this, to

continue in office? Such a mode of reasoning his Lordship admired, as peculiarly proper in the very critical situation of the honourable gentleman. It was only that one, in one House, should publish such a rumour as had been so frequently mentioned, and another in the other House push Ministers home. The game, thus managed, was sure, and the play required no very uncommon dexterity. He would presume, however, to advise the honourable gentleman to act with a little more patience and decency. Ministry, he trusted, would act as they should do, but he would not now say how. Only he was at liberty to assure the honourable candidate for their places, that they would not retain their situation any longer than they could act in it with responsibility and effect. This, he trusted, was the determination of all who acted with him.

His Lordship had heard, much in his time, of secret influence. He never saw any thing like it, otherwise he should undoubtedly have relinquished his situation. But this rumour which had merited such a marked reprobation, had all the appearance of it. A bill had been brought into Parliament and discussed with so much serious and repeated argumentation, as he, who had sat full thirty years in the House, never had witnessed before. No evidence was insisted on by the counsel to disprove the spirit or expose the tendency of the bill, but the whole business went on smoothly and without molestations, till the Commons presented it, under all these circumstances, to the other House. There it appeared under the sanction of one of the fullest and most independent majorities that ever accompanied any measure whatever: but there no regard was paid to what happened to every stage of the business. The counsel came forward loaded with new evidence, which they insisted on delivering in full. And lest all this had not been enough, rumours were industriously propagated in order to discredit the measure, and destroy it by that very influence which, if lawful at all, ought only to be exerted when there was a responsibility.

After putting these things in a variety of strong lights, his Lordship contended for the propriety and necessity of the motion. This he did the more especially, as he had been

charged on some former occasion with indifference to the constitution. Had he been silent when such a gross violation of it had met with countenance from so many of its most zealous friends, he should have thought himself culpable indeed. For what was the influence of the Crown, against which, on former occasions, all these gentlemen had divided against him, and for which he had then deemed it his duty to contend, in comparison of a principle, which, once established, would bury in one grave all the privileges of Parliament, the rights of the people, and the destruction of our glorious and happy constitution? He should therefore give the resolution now proposed his most sincere and hearty support.

Mr. GRENVILLE was much astonished at the motion. He reprobated a measure which had no proof to support it. He thought it violent and unprecedented. He desired the accuser to stand forth. If a noble relation of his was obliquely aimed at by such an oblique procedure, he could answer for him that he would not flinch from any scrutiny. But he protested against all insinuation and abuse, and desired the business might be conducted on principles, however bold and spirited, open, upright and unequivocal.

Mr. Fox spoke to the following effect:—I did not mean to have said any thing in addition to what has been already urged so ably in favour of the resolution now agitated. In my own opinion, its importance, propriety and necessity, are completely and substantially established. A few particulars, suggested in the course of the debate by gentlemen on the other side of the house, may be thought, however, to merit some animadversion. And, once for all, let no man complain of strong language. Things are now arrived at such a crisis as renders it impossible to speak without warmth. Delicacy and reserve are criminal where the interests of Englishmen are in hazard. The various points in dispute strike to the heart; and it were unmanly and pusillanimous to wrap up in smooth and deceitful colours, objects which, in their nature and consequences, are calculated to fill the House, the public and all the world, with a mixture of indignation and horror.

This, at least, hath made such an impression on my mind, that I never felt so much anxiety; I never addressed this House under such a pressure of impending mischief; I never trembled so much for public liberty as I now do. The question before the House involves the rights of Parliament in all their consequences and extent. These rights are the basis of our constitution, and form the spirit of whatever discriminates the government of a free country. And have not these been threatened and assaulted? Can they exist a moment in opposition to such an interference as is supposed by the resolution, as has been stated by several honourable gentlemen, to have taken place? No: human nature is not sufficiently perfect to resist the weight of such a temptation. When, therefore, shall the House assert its dignity, its independence, its prerogatives, by a resolute and unequivocal declaration of all its legal and constitutional powers, but in the instant of their danger? The disease, Sir, is come to a crisis; and now is the juncture which destines the patient to live or die. We are called to sanctify or oppose an absolute extinction of all for which our ancestors struggled and expired. We are called to protect and defend, not only the stipulated franchises of Englishmen, but the sacred privileges of humanity. We are called to protract the ruin of the constitution. The deliberations of this night must decide whether we are to be freemen or slaves; whether the House of Commons be the palladium of liberty, or the organ of despotism; whether we are henceforth to possess a voice of our own, or to be only the mere mechanical echo of secret influence. Is there an individual, who feels for his own honour, callous to an apprehension of such a consequence as this? Does not every regard which he owes to a body who cannot be degraded without his disgrace, who cannot expire without involving his fate, rouse his indignation, and excite him to every exertion, both in his individual and delegated capacity, which can reprobate, suspend, or destroy, a practice so inimical to public prosperity, as well as hostile to the very existence of this House?

But what is this resolution? It has been called, with great technical acuteness, a truism, which seems as incapable of

discussion as it is of proof. The foundation of it, however, is a matter of such general and palpable notoriety, as to put every degree of scepticism to defiance. Rumours of a most extraordinary nature have been disseminated in no common way, and by no inferior agents. A noble Earl is said to have used the name of Majesty with the obvious and express intention of affecting the decisions of the Legislature concerning a bill, of infinite consequence to thirty millions of people, pending in Parliament. The nature of this debate will not allow me to avoid the mention of names. The reality of reports circulating and operating to a certain degree, is equally admitted on all sides of the house. The arguments urged to defeat the use which is made of this fact by the resolution under discussion, are far from contradicting its veracity. No: its validity is supposed; the consequences only, which we impute to that circumstance, are disputed. No man has yet ventured, or dares to venture, to stand forth, and say, in so many words, that it does not exist. This would certainly finish the contest much to the honour of the nobleman concerned, but still more to the satisfaction of this House and the tranquillity of the public. His honourable relation, who dares the House to a specific charge, leaves that whole load of suspicion and crimination on the character he would defend, unbroken, undiminished and unequivocal. This may not be so much owing to a consciousness of delinquency, as a sentiment of pride: pride is the passion of little, dark, intriguing minds; and nothing but the truth of the charge can, in the present case, be more incompatible with every principle of rectitude and virtue. This rumour has been treated with a levity which amounts to a sarcasm or lampoon on the dignity of the House. But I will tell gentlemen it is not a newspaper, it is not a verbal surmise, but something much stronger and more serious; there is a written record to be produced. This letter (pulling it out of his pocket) is not to be put in the balance with the lie of the day. It states, that "his Majesty allowed Earl Temple to say, that whoever voted for the India bill, were not only not his friends, but he should consider them as his enemies. And, if these words were not strong enough, Earl

'Temple might use whatever he might deem stronger, or more to the purpose.' Is this parliamentary, or is it truth?—Where is the man who dares to affirm the one or deny the other? or to say, that he believes in his conscience such a rumour was not calculated to produce an immediate effect? It certainly tended, in the first instance, to vilify, in the grossest and most violent manner, the proceedings of Parliament. It says to the public, that we are not equal to our trust; that we either ignorantly or wilfully betray the interest of our constituents; and that we are not to be guided in our decisions by their convictions or our own, but by that unseen and mysterious authority, to whom the Sovereign, his Counsellors and the Legislature, are only the blind and passive instruments. Both Houses of Parliament are consequently parties in the contest, and reduced, by this unfortunate and wicked advice, to the predicament of a man struggling for his life. We are robbed of our rights, with a menace of immediate destruction before our face. From this moment, farewell to every independent measure! Whenever the liberties of the people, the rights of private property, or the still more sacred and invaluable privileges of personal safety, invaded, violated, or in danger, are vindicated by this House, where alone they can be legally and effectually redressed, the hopes of the public, anxious, eager and panting for the issue, are whispered away, and for ever suppressed by the breath of secret influence. A Parliament thus fettered and controled, without spirit and without freedom, instead of limiting, extends, substantiates and establishes beyond all precedent, latitude, or condition, the prerogatives of the Crown. But, though the British House of Commons were so shamefully lost to its own weight in the Constitution, were so unmindful of its former struggles and triumphs in the great cause of liberty and mankind, were so indifferent and treacherous to those primary objects and concerns for which it was originally instituted, I trust the characteristic spirit of this country is still equal to the trial; I trust Englishmen will be as jealous of secret influence as superior to open violence; I trust they are not more ready to defend their interests against foreign depredation and

insult, than to encounter and defeat this midnight conspiracy against the Constitution.

The proposition of this evening is therefore founded on a fact the most extraordinary and alarming this country could hear; a fact, which strikes at the great bulwark of our liberties, and goes to an absolute annihilation, not of our chartered rights only and unequivocally, but those radical and fundamental ones which are prior and paramount to all charters, which were consigned to our care by the sovereign disposition of nature; which we cannot relinquish without violating the most sacred of all obligations; to which we are entitled, not as members of society, but as individuals, and as men; the rights of adhering steadily and uniformly to the great and supreme laws of conscience and of duty; of preferring, at all hazards, and without equivocation, those general and substantial interests which we have sworn to prefer; of acquitting ourselves honourably to our constituents, to our friends, to our own minds, and to that public whose trustees we are, and for whom we act.

How often shall the friends of the noble Earl, whom I have named, be called upon to negative the proposition, by vouching for him his innocence of the charge? Will any of them lay their hand on their heart, and disavow the fact in that nobleman's name? Let them fairly, honourably and decidedly put an end to that foul imputation which rests on his conduct, and the house must immediately dismiss the report as idle and ill founded. But, while no man comes honestly forward and takes truth by the hand, we must look to the consequence. This house must not lose sight of its rights and those of the community. The latter can subsist no longer than the former are safe. We now deliberate on the life and blood of the constitution. Give up this point, and we seal our own quietus, and are accessory to our own insignificance or destruction.

But how is the question, thus unsuccessfully put to the friends and abettors of secret influence in this, answered, when put to the noble principal in the other House? Is he

ready and eager to vindicate his own character, and rescue that of his Sovereign from so foul a reproach? No; but he replies in that mean, insidious, equivocal and temporising language, which tends to preserve the effect without boldly and manfully abiding by the consequences of the guilt. Such was the answer, as mysterious and ill designed as the delinquency it was intended to conceal; and the man only, who could stoop to the baseness of the one, was the most likely in the world to screen himself behind the duplicity of the other. What, then, shall we infer from a system of acting and speaking thus guarded and fallacious, but that the device was formed to operate on certain minds, as it is rumoured to have done; and that such a shallow and barefaced pretext could influence those only, who, without honour or consistency, are endowed with congenial understandings!

Had this alarming and unconstitutional interference happened in matters of no consequence, or but of inferior consequence, the evil would not have appeared of such a magnitude as it does. But let us consider the nature of the business which it is intended to impede or suppress. For nearly twenty years have the affairs of the East-India Company, more or less, occasionally engrossed the attention of Parliament. Committees of this House, composed of the most able, industrious and upright characters, have sat long, indefatigably, and assiduously, in calling forth, arranging, digesting and applying every species of evidence which could be found. Reports of their honest and elaborate conduct are before the House. The public feel the pressure of this monstrous and multifarious object. Gentlemen in opposition were at least not insensible to its necessity; its urgency and its importance. An honourable gentleman, (Mr. Pitt,) who has distinguished himself so much on this occasion, protested very solemnly against all palliatives, expedients, or the abortive substitutes of radical and complete measures. To meet that honourable gentleman's idea, as well as to suit the exigency of the case, the present bill was brought in. It has been called a rash, inconsiderate, and violent measure. The House is aware what dis-

cussion it has occasioned; and I dare any one to mention a single argument brought against it which has not been candidly and fairly tried, not by the weight of a majority, but by the force of plain and explicit reasoning. No bill was ever more violently and systematically opposed, investigated at greater length, or by more ability; passed the House under the sanction of a more respectable and independent majority, or had more the countenance and patronage of the country at large. How then did it succeed in the other House? What was the reception, which, thus circumstanced, it received from their Lordships? Some degree of decency might have been expected from one branch of the legislature to another. That respectable independence which ought to be the leading feature in their decisions, is not incompatible with, but essential to such a mutual deference for the procedure of each, as must be the consequence of acting constitutionally. The bill, however, though matured and debated by all the abilities of this House, though urged by the most powerful of all arguments, necessity, and though recommended by almost two to one on every division it occasioned, will, in all probability be lost. But I beseech the House to attend to the manner in which it is likely to meet such a fate. Is this to be effected by the voice of an independent majority? Can any man view the Lords of the Bedchamber in that respectable light? and the whole fortune of the measure now depends on their determination. The rumour, so often stated and alluded to, was calculated, and intended to answer, an immediate and important end. 'I am far from saying that it ought. Those in high office and elevated rank, should prove themselves possessed of high and elevated sentiments; should join, to an exquisite sense of personal honour, the most perfect probity of heart; should discover as much dignity and strength of understanding as may be expected from a superior education, the distinctions of fortune, and the example of the great and the wise. But how does this description agree with their mode of managing their proxies? These they cordially give in before a rumour of the King's displeasure reaches

their ears; the moment this intimation is made, in the same day, and within a few hours, matters appear to them in quite a different light, and the opinion which they embrace in the morning, is renounced by noon. I am as ready as any man to allow, what is barely probable, that these Lords might receive new convictions, which, like a miracle, operated effectually and at once; and that, notwithstanding their proxies, from such a sudden and extraordinary circumstance, without hearing any debate or evidence on the subject, they might feel an immediate and unaccountable impulse to make their personal appearance, and vote according to their consciences. Who would chuse to say that all this may not actually have been the case? There is certainly, however, a very uncommon coincidence in their Lordships' peculiar situation and this unexpected revolution of sentiment; and, were I disposed to treat the matter seriously, the whole compass of language affords no terms sufficiently strong and pointed to mark the contempt which I feel for their conduct! It is an impudent avowal of political profligacy! as if that species of treachery were less infamous than any other. It is not only a degradation of a station which ought to be occupied only by the highest and most exemplary honour, but forfeits their claim to the characters of gentlemen, and reduces them to a level with the meanest and the basest of the species: it insults the noble, the ancient and the characteristic independence of the English Peerage, and is calculated to traduce and vilify the British legislature in the eyes of all Europe and to the latest posterity. By what magic nobility can thus charm vice into virtue I know not nor wish to know; but in any other thing than politics, and among any other men than Lords of the Bedchamber, such an instance of the grossest perfidy would, as it well deserved, be branded with infamy and execration.

Is there any thing then more plain and obvious, than that this great, this important, this urgent measure, is become the handle of a desperate faction, whose principal object is power and place? It is the victim not of open and fair reasoning, but of that influence which shuns the light

and shrinks from discussion; for those who pledged their honour in its support, from an acknowledged conviction of its rectitude, its propriety and utility, have broken that faith, and relinquished their own judgments, in consequence of a rumour that such a conduct would be personally resented by the Sovereign. What bill, in the history of Parliament or this country, was ever so traduced, so foully misrepresented and betrayed in its passage through the different branches of the legislature? The stroke which must decide the contest, cannot come from its real enemies but its false friends; and its fate, without example in the annals of this House, will be handed down to the remotest posterity, not as a trophy of victory but as a badge of treachery.

Here the honourable gentleman, with his usual liberality, upbraids me with monopolizing, not only all the influence of the crown, the patronage of India, and the principles of whiggism, but the whole of the Royal confidence: but all such round, unqualified and unfounded imputations must be contemptible, because not true; and the most bitter enemy, not lost to every sense of manliness, would scorn to become an accuser on grounds so palpably false. It is indeed, as it has always been, my only ambition to act such a part in my public and political conduct, as shall eventually give the lie to every species of suspicion which those who oppose me seem so anxious to create and circulate: and, if to compass that by every possible exertion from which no man in the sound exercise of his understanding can honestly dissent, be a crime, I plead guilty to the charge. This I am not ashamed to avow the predominating passion of my life; and I will cherish it in spite of calumny, declamation, and intrigue, at the risque of all I value most in the world.

But, in this monopoly of influence, the Lords of his Majesty's Bedchamber ought at least, for the sake of decency, to have been excepted. These, we all know, are constantly at the back of whoever is Minister of the day. How often have they not been stigmatized with the name of the household troops, which, like the Prætorian hands of

ancient Rome, are always prepared for the ready execution of every secret mandate! I remember a saying of an able statesman, whom, though I differed with him in many things, I have always acknowledged possessed of many eminent and useful qualities. The sentence I allude to I have always admired for its boldness and propriety. It was uttered by the late George Grenville in experiencing a similar treachery—and would to God the same independent and manly sentiments had been inherited by all who bear the name—"I will never again," said he, "be at the head of a string of Janissaries, who are always ready to strangle or dispatch me on the least signal."

Where is that undue, that unconstitutional influence, with which the honourable gentleman upbraids me and those with whom I act? Are our measures supported by any other means than Ministers have usually employed? In what, then, am I the champion of influence? Of the influence of sound and substantial policy, of open, minute and laborious discussion, of the most respectable Whig interest in the kingdom, of an honourable majority in this House, of public confidence, and public responsibility, I am proud to avail myself, and happy to think no man can bar my claim. But every sort of influence, unknown to the constitution, as base in itself as it is treacherous in its consequences, which is always successful because incapable of opposition, nor ever successful but when exerted in the dark, which like every other monster of factious breed, never stalks abroad but in the absence of public principle, never assumes any other shape than a whisper, and never frequents any more public place of resort than the back stairs or closet at St. James,---all this secret, intriguing and underhand influence, I am willing and ready to forego: I will not even be the Minister of a great and free people, on any condition derogatory to my honour and independence as a private gentleman. Let those who have no other object than place, have it and hold it by the only tenure worthy of their acceptance --- secret influence: --- but, without the confidence of this House as well as that of the Sovereign, however necessary to my circumstances

and desirable to my friends, the dignity and emoluments of office shall never be mine.

Is it then to the India bill I am indebted for this new appellation? Is there a single argument on this topic which has not been thoroughly and repeatedly discussed? But the honourable gentleman has two strings to his bow: if he cannot blow me with the people, by demonstrating how this measure increases the influence of the Crown, he will try what he can do with the Crown, by exhibiting it as generating an independence or aristocracy for the Minister. His own popularity may go a great way in accomplishing the one, and secret influence will always be adequate to the other; and by an incessant clamour against the whole of the business, fomented and propagated at the instance of a mean and interested faction, it is not unlikely he may succeed in both. But I must beg gentleman to consider, that this measure, which owes all its imperfections and obnoxious qualities----not to the original text----but to the notes and commentaries of its numerous editors and interpreters, is intended merely as an experiment, subject to the cognizance and controul of the Legislature. Is there any thing here independent of the three Estates in Parliament assembled? You say it is an executive power for which the constitution affords no proscription. But are you aware to what extent this argument goes? It deprives you, at one stroke, of all the manifold advantages which result from every possible modification of colonization. What system of government can be applied to any foreign settlement or territory whatever, which is not proscribed by the same reasoning? And, if this literal adherence to the form, in contradiction to the spirit of the Constitution, is to be adopted, without regard to the many vast commercial interests, which produce the most fertile resources and form no inconsiderable share of our national strength and distinction, we shall soon be circumscribed within our original boundaries, and be accounted as little among the nations as ever we were great.

Conclusions, however, on such speculative theories as these are as idle as unsatisfactory. We never can forget that some-

thing must be done. I deny that any thing has yet been offered or tried, more congenial to the Constitution, more adequate to the object, or more advantageous to the community at large than the bill in question. I am perfectly aware of whatever has been or can be alleged on the subject; but abstracted from the scramble of interest and the pitiful bugbears of design, not one solid objection on the point of influence has yet been advanced. The novelty of the system is quite as good a foundation for predicting the best as the worst consequences. It is rare that men are thus prone to misconstrue the plainest propositions without some latent purpose; and we have the same right to comment on the motives on which the measure is opposed, as you have for reprobating those in which it originated.

Even supposing the rumours on which the resolution was proposed were true, it is alleged that a noble Duke in the other House counteracted the effect of one influence by another. It had been whispered that his Majesty had authorised his name to be used with a certain view: his Grace, as the only expedient left for preserving the minds of their Lordships unbiassed, and the personal honour of his Sovereign unspotted, gave a negative to the fact. A tale was propagated which tended equally to traduce the Crown and embarrass Government. How was he to defeat the obvious design of such a notorious libel on the best of Princes? Was it his duty to let it pass unnoticed and to shed undisturbed all its influence on the minds of those for whose instruction and emolument it was originally devised? Or had he any other mode of averting its intention and success than by denying its reality? It would be hard, indeed, to debar Ministers of a right to destroy falsehoods fabricated on purpose to destroy them! Such a prohibition amounts to their relinquishing a very material species of self-defence, which is one of the most valuable privileges of human nature; and, whatever the honourable gentleman may be willing to sacrifice to office, this is one condition at least, to which I will never be a party.

The task, therefore, he has assigned me of being the champion of influence, belongs more properly to himself;

who has this night stood forward in defence of a practice, which cannot be indulged for the moment but at the imminent risque of every thing great and valuable which our Constitution secures. With what consistency he embarks in a cause so hostile and ominous to the rights and wishes of Englishmen, those who have known his connections and observed his professions will judge. Let him not, then, in the paroxysm of party zeal, put a construction on my conduct which it will not bear, or endeavour to stamp it with the impression of his own. For that influence which the Constitution has wisely assigned to the different branches of the Legislature, I ever have contended, and, I trust, ever shall. That of the Crown, kept within its legal boundaries, is essential to the practice of government; but woe to this country the moment its operations are not as public and notorious as they are sensible and effective! A great writer has said, that the English constitution shall perish when the legislative becomes more corrupt than the executive power. Had he been as sound a judge of the practice as of the theory of government, he might have added, with still greater truth, that we shall certainly lose our liberty, when the deliberations of Parliament are decided—not by the legal and usual—but by the illegal and extraordinary exertions of Prerogative.

The hon. gentleman declares, that if the King is thus prevented from consulting his Peers (who are constitutionally styled the ancient and hereditary counsellors of the Crown), or any other of his subjects, whenever he is pleased to call for it, he would be a captive on his throne and the first slave in his own dominions. Does he then affect to think or allege that it is the intention or desire of Ministers to proscribe all social intercourse between his Majesty and his subjects? I will tell the honorable gentleman thus far his argument goes, and that is something worse than puerility and declamation: it is disguising truth under such colours as are calculated to render it odious and detestable. The Lords are undoubtedly entitled to advise the Crown collectively; but this does not surely entitle every noble individual to take his Majesty aside, and, by a shocking farrago of fiction and

fear, poison the Royal mind with all their own monstrous chimeras. Whoever knows the mode of digesting business in the Cabinet, must be sensible, that the least interference with any thing pending in Parliament must be dangerous to the Constitution. The question is not whether his Majesty shall avail himself of such advice as no one readily avows, but who is answerable for such advice. Is the honourable gentleman aware, that the responsibility of Ministers is the only pledge and security the people of England possess against the infinite abuses so natural to the exercise of this power? Once remove this great bulwark of the Constitution, and we are, in every respect, the slaves and property of despotism. And is not this the necessary consequence of secret influence?

How are Ministers situated on this ground? Do they not come into power with a halter about their necks, by which the most contemptible wretch in the kingdom may dispatch them at pleasure? Yes, they hold their several offices—not at the option of the Sovereign — but of the very reptiles who burrow under the Throne! They act the part of puppets, and are answerable for all the folly, the ignorance, and the temerity or timidity of some unknown juggler behind the screen: they are not once allowed to consult their own, but to pay an implicit homage to the understanding of those, whom to know were to despise. The only rule by which they are destined to extend authority over freemen, is a secret mandate which carries along with it no other alternative than obedience — or ruin! What man, who has the feelings, the honour, the spirit, or the heart of a man, would stoop to such a condition for any official dignity or emolument whatever? Boys, without judgment, experience the sentiments suggested by the knowledge of the world, or the amiable decencies of a sound mind, may follow the headlong course of ambition thus precipitantly, and vault into the seat while the reins of government are placed in other hands: but the Minister who can bear to act such a dishonourable part, and the country that suffers it, will be mutual plagues and curses to each other.

Thus awkwardly circumstanced, the best on earth could accomplish nothing, nor on any occasion, however pressing and momentous, exert the faculties of government with spirit or effect. It is not in the human mind to put forth the least vigour under the impression of uncertainty. While all my best means and best concerted plans are still under the controul of a villainous whisper, and the most valuable consequences, which I flattered myself must have resulted from my honest and indefatigable industry, are thus defeated by secret influence, it is impossible to govern longer either with honour to myself or success to the public. The moment I bring forward a measure adequate to the exigence of the state, and stake my hopes and reputation, or indeed whatever is most dear and interesting in life, on its merit and utility, instead of enjoying the triumphs of having acted fairly and unequivocally, all my labours, all my vigilance, all my expectations, so natural to every generous and manly exertion, are not only vilely frittered, but insidiously and at once whispered away by rumours, which, whether founded or not, are capable of doing irreparable mischief, and have their full effect before it is possible to contradict or disprove them.

So much has been said about the captivity of the Throne, while his Majesty acts only in concert with his Ministers, that one would imagine the spirit and soul of the British Constitution were yet unknown in this House. It is wisely established as a fundamental maxim, that the King can do no wrong; that whatever blunders or even crimes may be chargeable on the executive power, the Crown is still faultless. But how? Not by suffering tyranny and oppression in a free government to pass with impunity; certainly not: but the Minister who advises or executes an unconstitutional measure, does it at his peril; and he ought to know, that Englishmen are not only jealous of their rights, but legally possessed of powers, competent on every such emergency to redress their wrongs. What is the distinction between an absolute and a limited monarchy? but that the Sovereign, in the one, is a despot and may do what he pleases, but in the other, is himself subjected to the

laws, and consequently not at liberty to advise with any one on public affairs not responsible for that advice ; and the Constitution has clearly directed his negative to operate under the same wise restrictions. These prerogatives are by no means vested in the Crown to be exerted in a wanton and arbitrary manner. The good of the whole is the exclusive object to which all the branches of the Legislature and their different powers invariably point. Whoever interferes with this primary and supreme direction, must, in the highest degree, be unconstitutional. Should, therefore, his Majesty be disposed to check the progress of the Legislature in accomplishing any measure of importance, either by giving countenance to an invidious whisper, or the exertion of his negative, without at the same time consulting the safety of his Ministers, here would be an instance of mal-administration, for which, on that supposition, the Constitution hath provided no remedy. And God forbid that ever the constitution of this country should be found defective in a point so material and indispensable to public welfare !

It is a public and crying grievance that we are not the first who have felt this secret influence. It seems to be a habit against which no change of men or measures can operate with success. It has overturned a more able and popular Minister (Lord Chatham) than the present, and bribed him with a peerage, for which his best friends never cordially forgave him. The scenes, the times, the politics and the system of the court, may shift with the party that predominates, but this dark mysterious engine is not only formed to control every Ministry, but to enslave the Constitution. To this infernal spirit of intrigue we owe that incessant fluctuation in his Majesty's Councils, by which the spirit of Government is so much relaxed, and all its minutest objects so fatally deranged. During the strange and ridiculous interregnum of last year, I had not a doubt in my own mind with whom it originated ; and I looked to an honourable gentleman (Charles Jenkinson) opposite to me, the moment the grounds of objection to the East-India bill were stated. The same illiberal and plodding cabal, who then invested the Throne, and darkened the Royal mind with ignorance

and misconception, have once more been employed to act the same part. But how will the genius of Englishmen brook the insult? Is this enlightened and free country, which has so often and successfully struggled against every species of undue influence, to revert to those Gothic ages, when Princes were tyrants, Ministers minions, and Government intriguing? Much and gloriously did this House fight and overcome the influence of the Crown by purging itself of ministerial dependents: but what was the Contractors bill, the Board of Trade, or a vote of the revenue officers, compared to a power equal to one-third of the Legislature, unanswerable for, and unlimited in its acting? Against these we had always to contend; but we knew their strength, we saw their disposition, they fought under no covert, they were a powerful, not a sudden enemy. To compromise the matter, therefore, Sir, it would become this House to say, rather than yield to a stretch of prerogative thus unprecedented and alarming, withdraw your secret influence, and, whatever entrenchments have been made on the Crown, we are ready to repair: take back those numerous and tried dependents who so often secured you a majority in Parliament; we submit to all the mischief which even this accession of strength is likely to produce; but for God's sake strangle us not in the very moment we look for success and triumph by an infamous string of bedchamber janissaries!

The honourable gentleman has told us, with his usual consequence and triumph, that our duty, circumstanced as we are, can be attended with no difficulty whatever: the moment the Sovereign withdraws his confidence, it becomes us to retire. I will answer him in my turn, that the whole system in this dishonourable business may easily be traced. Aware of that glorious and independent majority which added so much dignity and support to the measure which appears thus formidable to secret influence, they find all their efforts to oppose it here abortive: the private cabal is consequently convened, and an invasion of the Throne, as most susceptible of their operations, proposed. It was natural to expect that I, for one, would not be backward to spurn at such an interference. This circumstance affords all

the advantage they wished. I could not be easy in my situation under the discovery of such an insult; and this critical moment is eagerly embraced to goad me from office, to upbraid me with the meanness of not taking the hint, to remind me in public of the fate which I owe to secret advice. When that hour comes, and it may not be very distant, that shall dismiss me from the service of the public; the honourable gentleman's example of lingering in office after the voice of the nation was that he should quit it, shall not be mine. I did not come in by the fiat of Majesty, though by this fiat I am not unwilling to go out: I ever stood, and wish only and always to stand on public ground: I have too much pride ever to owe any thing to secret influence; I trust in God this country has too much spirit not to spurn and punish the Minister that does. I arrogate no pomp, however, from the formality of resignation. My noble friend, I hope, thinks with me, that the present is one of those singular junctures when it is necessary to act with caution as well as spirit. We are certainly agreed not to retain our places any longer than we can maintain the dignity of Government with responsibility and effect; and to the constitutional mandate of dismissal, we are prepared to bow with humility and obedience. We have been repeatedly reminded of our disagreeable situation; but the chief fact to which we owe this inconveniency was only not foreseen, from an idle opinion that no man could be base and servile enough to undertake it. But now our eyes are open to transactions of which ocular demonstration only could have convinced us. We only beg, when the revolution, which it is supposed may be effected in the Royal breast, is authentically announced, we may be allowed to judge for ourselves. I will apprise gentlemen, however, that the situation of Ministers is at present extremely delicate. They stand pledged to the public and a very honourable majority of this House, not to relinquish the affairs of the State while in so much anarchy and distraction. And what Ministry could wish for a stronger, or more desirable foundation than such a majority as have constantly voted

with us? For my own part, I ever thought public confidence the only stable and substantial basis of a sound administration. The people of England have made me what I am; it was at their instance I have been called to a station in their service; and, perhaps, it would not be treating them well, hastily to abandon the post to which they have generously raised me. The whole of that respectable arrangement in which I am but an individual, are, in my opinion, bound in honour to do something at least for thirty millions of innocent people, whose expectations have been raised and flattered by our exertions; who have long struggled under every oppression and grappled with their fate in vain; whose wretched and deplorable circumstances affect the British character in every corner of the world with infamy and horror; and who, at this moment, in spite of every exertion both of the Legislature and Court of Directors, groan under the scourge, the extortion, and the massacre, of a cruel and desperate man, whom, in my conscience and from my heart, I detest and execrate!

It is impossible to overlook, or not to be surprised at the extreme eagerness of the honourable gentleman about our places, when twenty-four hours, at most, would give him full satisfaction. Is it that some new information may be requisite to finish a system thus honourably begun? or is the honourable gentleman's youth the only account which can be given of that strange precipitancy and anxiety which he betrays on this occasion? It is, in my opinion, the best apology which can be urged in his behalf. Generosity and unsuspecting confidence are the usual disposition of this tender period. The friends of the honourable gentleman, I doubt not, will soon teach him experience and caution; and, when once he has known them as long, received as many of their promises, and seen their principles as much tried as I have done, he may not, perhaps, be quite so prodigal of his credulity as he now is. Is he apprised of the lengths these men would go to serve their own selfish and private views? that their public spirit is all profession and hypocrisy? and that the only tie which unites and keeps them toge-

ther is, that they are known only to each other, and that the moment of their discord puts a period to their strength and consequence?

If, however, a change must take place, and a new Ministry is to be formed and supported, not by the confidence of this House or the public, but the sole authority of the Crown, I, for one, shall not envy that honourable gentleman his situation. From that moment I put in my claim for a monopoly of whig-principles. The glorious cause of freedom, of independence and of the constitution, is no longer his, but mine. In this I have lived; in this will I die. It has borne me up under every aspersion to which my character has been subjected. The resentments of the mean and the aversion of the great, the rancour of the vindictive and the subtilty of the base, the dereliction of friends and the efforts of enemies, have not, all, diverted me from that line of conduct which has always struck me as the best. In the ardour of debate, I may have been, like all other men, betrayed into expressions capable of misrepresentation; but the open and broad path of the constitution has uniformly been mine. I never was the tool of any junto. I accepted of office at the obvious inclination of this House: I shall not hold it a moment after the least hint from them to resume a private station.

The honourable gentleman is, however, grasping at place on very different grounds. He is not called to it by a majority of this House; but, in defiance of that majority, stands forth the advocate and candidate for secret influence. How will he reconcile a conduct thus preposterous to the Constitution, with those principles for which he has pledged himself to the people of England? By what motives can he be thus blind to a system, which so flatly and explicitly gives the lie to all his former professions? Will secret influence conciliate that confidence to which his talents, connections and principles, entitled him; but which the aspect under which he must now appear to an indignant and insulted public effectually bars his claim? Will secret influence unite this House in the adoption of measures which are not his own and to which he only gives the sanction of his

name to save them from contempt? Will secret influence draw along with it that affection and cordiality from all ranks, without which the movements of Government must be absolutely at a stand? Or is he weak and violent enough to imagine, that his Majesty's mere nomination will singly weigh against the constitutional influence of all these considerations? For my own part, it has been always my opinion, that this country can labour under no greater misfortune than a Ministry without strength and stability. The tone of Government will never recover, so as either to establish domestic harmony or foreign respect, without a permanent Administration; and whoever knows any thing of the Constitution, and the present state of parties among us, must be sensible, that this great blessing is only and substantially to be obtained and realized in connection with public confidence. It is undoubtedly the prerogative of the Sovereign to chuse his own servants; but the Constitution provides that these servants be not obnoxious to his subjects by rendering all their exertions, thus circumstanced, abortive and impracticable. The honourable gentleman had, therefore, better consider how much he risks by joining an arrangement thus hostile to the interests of the people; that they will never consent to be governed by secret influence, and that all the weight of his private character, all his eloquence and popularity, will never render the midnight and despotic mandates of an interior cabinet acceptable or operative with Englishmen.

When I say in what manner, and to what ends, the wisdom and experience of our ancestors have thus directed the exercise of all the Royal prerogatives, let me not be understood as meaning, in any degree, to detract from those dutiful regards, which all of us owe as good citizens and loyal subjects to the amiable Prince who at present fills the British throne. No man venerates him more than I do, for his personal and domestic virtues. I love him as I love the Constitution, for the glorious and successful efforts of his illustrious ancestors in giving it form and permanency. The celebrated patriotism of these great and good men must endear, to every lover of his country, their latest posterity

and most distant connections; and his Britannic Majesty can never lose the esteem of his people, while they remember with gratitude, the many obligations which they owe to his royal and illustrious family. The present generation regard him for the virtuous and amiable example he exhibits, as well as for the elevated situation he occupies in the State; and their successors will long and sincerely adore him for his progeny. Nor can I wish him a greater blessing, than that he may reign in the hearts of his subjects, and that their confidence in his government may be as hearty and sincere as their affection for his person!

Mr. JENKINSON thought himself personally called upon by the right honourable gentleman: he averred that he had never given any advice unbecoming his duty and character as a member of his Majesty's most honourable Privy Council. He begged that gentleman would recollect, that when he avowed his being present with the King in March last, it was when no Ministry existed. The motion he thought very improper, and big with the worst consequences. He should certainly vote for the order of the day.

LORD MULGRAVE was surprised that Mr. Fox should be so vehement against influence, when influence was the sole aim of his Administration. He conceived him to be the most dangerous character that had for a long time appeared in this country.

Mr. MARTIN spoke with his usual sarcastic point against the Coalition.

Sir HERBERT MACKWORTH reprobated the motion, as calculated to hold out a menace to the other House. No man hated influence or cabal more than he did, but for this reason he must vote against the motion.

Mr. T. PITT took up the argument as a truism, and said, that therefore it was ridiculous to enter into any discussion. The bill was a monster, and therefore he rejoiced in its fate. The present motion he considered as the last pang of a desperate party, and he should give it his hearty negative.

Mr. ERSKINE entered warmly into the nature of the question. He reprobated the rumour, as intended to influence those in the other House who had never before deserted the

Minister of the day. It was nonsense to deny the influence of such a rumour. It always had, and must from the nature of the thing have, great and substantial influence. He said there was not a man of honour in the house who would stand up and say, that such a rumour had not had an effect. At these words there was a violent cry of "take down the words," and Mr. Erskine gave them a fair opportunity, but which however they declined, and Mr. Erskine resumed his argument, which was short and pointed, and was forcibly urged.

Mr. ARDEN replied to Mr. Erskine. He was not displeased with Mr. Secretary Fox's eulogium on the Royal Family. He could not help observing, however, that his attachment to the person of Majesty was all from veneration for his ancestors, and the love of his posterity. He said a few more things on the same side of the question.

Mr. GRENVILLE said, that having taken down the words as delivered by Mr. Fox, as being the words made use of by a noble person, his near relation, and which had been made so much the subject of debate, he had shewn them to his noble relation, and he was fully authorised to say, that the noble person had never made use of these words.

Mr. Secretary Fox said, the honourable gentleman, if he had authority to prove no more than this, had authority to prove nothing. These were not the precise words—then what were the precise words? Would the honourable gentleman, or any other person, standing up to answer for the noble Earl, say, that he had not made use of some words to the same effect as those which he had mentioned, viz. words calculated to influence the minds of men by the use of the Royal name? If the honourable gentleman was not authorised to say this, he in fact gave testimony to the truth of the rumour, instead of giving any contradiction to it.

December 22.

Soon after the Speaker had taken the chair, Mr. WILLIAM GRENVILLE requested the House would for a moment favour him with their attention on a subject, which, though of a private concern to him individually, was more particularly interesting to the House. Certain reports, he said, which had been for some days in circulation, had been made the grounds of a resolution in that House, which he understood had been since construed to relate to a noble Lord with whom he was most closely connected in blood; and as he also understood that some farther proceeding was to be had this day on the same subject, which might possibly be directed against that noble Lord, he was authorised by his noble relation to say, that he was ready to meet any charge that should be brought against him; and that he might not be supposed to make his situation as Minister stand in the way of or serve as a protection or shelter from enquiry and from justice, he had this day resigned into his Majesty's hand the seals of office with which his Majesty had so lately been pleased to honour him; so that his noble relation was now in his private capacity, unprotected by the influence of office, to answer for his conduct, whenever he should hear the charge that should be brought against it.

Mr. Fox said, that, as to the propriety of the noble Lord's relinquishing his situation, he himself was certainly the best judge; he knew why he accepted, he knew why he retired from office; but certainly no one had said that any resolution would be levelled at the noble Lord, and his Lordship must have been aware of this, for the nature of the transaction to which the reports alluded was such, as almost necessarily precluded the possibility of bringing evidence that would convict the noble Lord, or any other person, of the charge which naturally arose from the rumours. But though this evidence was wanting, and though the noble Lord had resigned, still he was of opinion the House

ought not to give up the idea of going into a Committee on the state of the nation, in which a learned friend of his [Mr. Erskine] intended to make a motion, which, without any mention of the noble Lord, would guard against the fatal effects of that baneful secret influence, that threatened the existence of the Constitution.

Mr. T. PITT said, that though not as nearly related to the noble Lord in question as the right honourable gentleman who spoke first, still his honour was not less dear to him; he would therefore request the House would not understand that the noble Lord intended, by his resignation, to put a stop to the proceedings which gentlemen might have it in contemplation to institute in the Committee on the state of the nation; on the contrary, his reason for retiring from this situation was, that he might in his private capacity meet any charge that might be brought against him, and from which he might be thought to wish to screen himself if he continued in office. This was all that was said on this business.

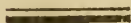
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THE vengeance denounced against Lord Temple, for discoursing with his Majesty on the subject of the East-India Bill, may naturally lead men to enquire, whether the King has not a right to *ask*, and every Peer, asked or unasked, a right to advise the Crown.

Every subject has a right to petition the Crown, and, under the form of his petition, offer his advice. But, according to the doctrine now advanced, none are to approach the King but a Cabinet of Ministers, who, it is said, are alone responsible for the measures they advise. But are not Ministers responsible to the King, and to the Country at large, as well as to the House of Commons?—To go no farther back than that administration which Mr. Fox overturned, we may see and know how a corrupt and tyrannous House of Commons can dispose of the rights, the franchises, the charters, the liberty, and the blood, of their fellow-subjects. Allowing the leader of such an house of commons wholly to engross the

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There is a maxim of common sense understood, that that *Peers* are of the Crown and that every demand an audience of the King. Coke, in his fourth institute, states the Peer; and it will be found recited in the commentaries of Judge Blackstone. In the first place, it is laid down, that Peers are created for two purposes: first, *ad consulendum*; secondly, *ad defendendum*. The first is to advise the King, and to defend him in all his reason the law gives them freedom from arrest when Parliament is not sitting; because the King tends that they are always assisting the King with counsel for the commonwealth. [Blackstone, b. i. c. 1.] This obligation descends to all posterity with the other attributes of Peerage: it is not therefore in style only but in law, and in fact, that Peers are HEREDITARY COUNSELORS; and a Peer, in giving advice, when he thinks the welfare of the King requires it, does nothing more than fulfil the specific condition on which the Peerage was granted to him and his family. Whenever a Peer chooses to exercise that right, he is bound to speak his sentiments with sincerity, with honesty, and with freedom.

If then a Peer has a right to give advice to the King, it follows that the King has a right to ask advice of a Peer

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The first exclusive Cabinet we hear of
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five miscreants, who, in concert with that abandoned Monarch, would have sold their country to France, and had settled a plan for the destruction of the liberty and religion of this kingdom.

In the English History, I know but one instance when all access to the King was denied to the Peers of the Realm, which was in the reign of Edward the Second.—I need not mention the two Despensers, as the most pernicious Ministers that any King of England had ever the misfortune to employ: their policy was to guard the King's ear against the advice of the Peers; but for which they were afterwards impeached, condemned, and executed. The third Article of Impeachment runs in these words:

“ By their evil contrivance, they would not suffer the
“ great men of the realm, nor good counsellors, to speak
“ with or come near the King, to advise him, nor the
“ King to speak to them, unless in their presence, or in
“ the hearing of one of them, and that too but when they
“ pleased; thus usurping royal power and sovereignty
“ over the person of the King, to the great dishonour
“ and peril of him, his Crown and Kingdom.”

By the ancient constitution of the Netherlands, the Nobles were, as in England, *Hereditary Counsellors* of the State: but Philip the Second, at the first opening of his tyrannical system, ordered the Governess not to admit those *Hereditary Counsellors* to deliberate on his measures, but to confine herself to a Cabinet, whom he named, and afterwards employed as the instruments of his cruelty.

The Earls of Egmont and Horn were, of all the Nobles, most distinguished by their illustrious birth, eminent wisdom, virtue, and true patriotism.—Egmont particularly had achieved the most brilliant victories in the service of this very King Philip, and was accounted throughout

Europe one of the best Generals, and the most accomplished Statesman of his time. These great men asserted the privileges of their birthright, by advising the King to check the designs of that ambitious, avaricious, dangerous Minister, Cardinal Grandville. Had their advice been taken, all the miseries that ensued, and the final loss of the Provinces, had been prevented. But Grandville, though he had not the audacity to arraign them in open Senate, accused them privately to Philip, who got their heads struck off in their native city of Brussels.

The Company's debt of four million two hundred thousand pounds, in one round neat sum; the ships, goods, wares, merchandizes, money, and securities for money, worth many, many millions more, together with the dominion and riches of the East, were a glorious prize; it would vex any soul alive to miss it. Who can wonder at their railing? which is the more genuine, because void of reason. The crime charged, not positively, but by implication, against Lord Temple, is, that he had reported some expressions of his Majesty, respecting the East-India Bill, to influence the debates; which, they say, was derogatory to the dignity of the Crown, and subversive of the constitution of the country. If influence has been used on both sides, it is but fair to set the one against the other.

Mr. Fox lately said, the influence of the Crown, and the influence of the Minister, was the same. The fact is so. The confidential servants of the Crown are always supposed to convey its sentiments. Mr. Fox will not deny, that the influence employed to carry this Bill was extended far beyond all its wonted sources: the wealth, power, and emoluments of the East, were thrown into the scale. Allowing then the personal influence of the King *did* interfere to counteract the influence of the Minister,

is his Majesty therefore to forfeit the good opinion of his people?—or ought he to be revered as their guardian and deliverer? There is a fair as well as a foul influence, such as is dictated by duty to the King, combined with duty to the commonwealth.

Let me add one reflection more: when the Ministers first supported this Bill in both Houses, it was not known but that they acted in concert with his Majesty; his Majesty therefore, in the eye of the world, must have been reckoned amongst its patrons. Let me then appeal to the common sense and common feelings of mankind, whether the King is so wretched a slave as to have all the enormities of this measure imputed to him, and not be at liberty to justify himself to his friends, to his people, and to the world?

I request my reader to read one page in the History of France——In 682, Pepin was appointed by the Nobles, Mayor of the Palace, independent of the King; and, at his own option, disposed of all the efficient offices of the state, who were consequently subservient to his will. From that day, the King of France became a cypher. The first Pepin was a man of moderation and humanity; he permitted the King still to go to the Assembly of the states, in a chariot drawn by eight white oxen, surrounded by his guards; to give audience to Ambassadors; and receive homage from tributary Princes: the rest of his time was spent at a country palace, where he was allowed a good table with the great officers of his household, and a competent number of domestics about him; but he never was troubled with state affairs. The grandson of Pepin thought proper to dismiss this pageant of a king, and to assume the name as well as functions of royalty, which he and his successors enjoyed about three

hundred years. The powers to have been vested by Mr. Fox's Bill, gave the Minister, independent of the Crown, a far greater power than the Mayors of the Palace ever held in France.

GOD SAVE THE KING AND THE
SUCCESSION!

F I N I S.

